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delphia & Reading Coal & Iron Company and of the Philadelphia & Reading Trans. Line, Towing Dept., appear in the telephone directory as at 143 Liberty Street, telephone number 5672 Cortlandt; and upon information and belief alleges, that these are subsidiary companies of the Philadelphia & Reading, and 'tow the cars of said company from the Jersey points to the city of New York.'

"The finding that the defendant was doing business within the state of New York is disproved by the facts thus established. The defendant transacts no business there; nor is any business transacted there on its behalf, except in the sale of coupon tickets. Obviously the sale by a local carrier of through tickets does not involve a doing of business within the state by each of the connecting carriers. If it did, nearly every railroad company in the country would be 'doing business' in every state. Even hiring an office, the employment by a foreign railroad of a 'district freight and passenger agent . . . to solicit and procure passengers and freight to be transported over the defendant's line,' and having under his direction 'several clerks and various traveling passenger and freight agents,' was held not to constitute 'doing business within the state.' *Green v. Chicago, B. & Q. R. Co.*, 205 U. S. 530, 51 L. Ed. 916, 27 Sup. Ct. Rep. 595.- Nor would the fact, if established by competent evidence, that 'subsidiary companies' did business within the state, warrant a finding that the defendant did business there. *Peterson v. Chicago, R. I. & P. R. Co.*, 205 U. S. 364, 51 L. Ed. 841, 27 Sup. Ct. Rep. 513."

Constitutional Law—Due Process—Attachment of Money in Bank on Service by Publication.—A preliminary order of court enjoining a bank from the payment of a deposit, made by the husband in a divorce proceeding, and a subsequent order enjoining the payment of any part of the same to the husband and ordering it to be paid to the wife is not a deprivation of property without due process of law when the husband is a nonresident of the state, not personally served with process within the state, had not voluntarily appeared in the suit but has been served by publication only, is held in the case of *Pennington v. Fourth Nat. Bank*, 37 S. Ct. 282. Recognizing the right of control by a state of the property within its borders, that such control is not abridged by the Fourteenth Amendment, that bank deposits are an example of such property and in fact those most frequently applied to the satisfaction of obligations of absent debtors the court concludes as follows:

"It is asserted that these settled principles of law cannot be applied to enforce the obligation of an absent husband to pay alimony, without violating the constitutional guaranty of due process of law. The main ground for the contention is this: In ordinary garnish-

ment proceedings the obligation enforced is a debt existing at the commencement of the action, whereas the obligation to pay alimony arises only as a result of the suit. The distinction is, in this connection, without legal significance. The power of the state to proceed against the property of an absent defendant is the same whether the obligation sought to be enforced is an admitted indebtedness or a contested claim. It is the same whether the claim is liquidated or is unliquidated, like a claim for damages in contract or in tort. It is likewise immaterial that the claim is, at the commencement of the suit, inchoate, to be perfected only by time or the action of the court. The only essentials to the exercise of the state's power are presence of the res within its borders, its seizure at the commencement of proceedings, and the opportunity of the owner to be heard. Where these essentials exist, a decree for alimony against an absent defendant will be valid under the same circumstances and to the same extent as if the judgment were on a debt,—that is, it will be valid not in personam, but as a charge to be satisfied out of the property seized." Citing in the margin to sustain the proposition: "Enforcement of allowance of alimony from property of absent defendant, seized at the commencement of the suit by attachment or similar process. *Hanscom v. Hanscom*, 6 Colo. App. 97, 39 Pac. 885; *Thurston v. Thurston*, 58 Minn. 279, 59 N. W. 1017; *Wood v. Price*, 79 N. J. Eq. 1, 9, 10, 81 Atl. 1093. See *Bailey v. Bailey*, 127 N. C. 474, 37 S. E. 502; *Twing v. O'Meara*, 59 Iowa, 326, 331, 13 N. W. 321. Cf. *Bunnell v. Bunnell*, 25 Fed. 214, 218.

"The wife's inchoate right to alimony makes her a creditor of the husband under the statutes against fraudulent conveyances. *Livermore v. Boutelle*, 11 Gray, 217, 220, 71 Am. Dec. 708; *Thurston v. Thurston*, 58 Minn. 279, 59 N. W. 1017; *Murray v. Murray*, 115 Cal. 266, 274, 37 L. R. A. 626, 56 Am. St. Rep. 97, 47 Pac. 37; *Hinds v. Hinds*, 80 Ala. 225, 227.

"The objection that this proceeding was void because there was no seizure of the res at the commencement of the suit, is also unfounded. The injunction which issued against the bank was as effective a seizure as the customary garnishment or taking on trustee process. Such equitable process is frequently resorted to in order to reach and apply property which cannot be attached at law." Citing in the margin to sustain the proposition: "An injunction issued against a resident debtor of a nonresident defendant is a sufficient seizure of the defendant's property to give jurisdiction. *Bragg v. Gaynor*, 85 Wis. 468, 487, 21 L. R. A. 161, 55 N. W. 919. See *Murray v. Murray*, 115 Cal. 266, 276, 37 L. R. A. 626, 56 Am. St. Rep. 97, 47 Pac. 37. See *Tyler v. Judges of Ct. of Registration*, 175 Mass. 71, 77, 51 L. R. A. 433, 55 N. E. 812."